

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

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**CRIMINAL NO: 10-125**

**v.**

\*

**SECTION: "F"**

**DANIEL DAIGLE**

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**VIOLATION: 18 U.S.C. § 2252(a)(2)  
18 U.S.C. § 2252(b)(1)  
18 U.S.C. § 2253**

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**F A C T U A L   B A S I S**

Should this matter proceed to trial, both the government and the defendant, **DANIEL DAIGLE**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial:

The government would show that at all times mentioned in the Indictment, the defendant, **DANIEL DAIGLE**, was a resident of the Eastern District of Louisiana, living in Thibodaux, Louisiana.

The government would present evidence and testimony that U. S. Immigration and Customs Enforcement (ICE) agents while conducting an on-line child exploitation investigation determined that **DANIEL DAIGLE** was sharing images of child pornography through the use of peer-to-peer

file sharing software. On March 30, 2009, ICE agents executed a federal search warrant, based on probable cause, at the defendant's Oak Street residence. Agents would testify that they recovered computers, hard drives, and external storage devices from the defendant's home.

The government would establish through testimony and documentary evidence that **DAIGLE** knowingly used his computer to search for, download, and save images of child pornography. Further, the evidence and testimony would establish that a computer forensic search of **DAIGLE**'s seized computers and related evidence revealed 727 images and 8 videos depicting the sexual victimization of children.

Further, the government would introduce post-*Miranda* statements wherein **DAIGLE** voluntarily admitted to federal agents that he knowingly received, downloaded, and possessed images of child pornography. According to **DAIGLE**, he accessed websites such as "Free6" and "12chan" where he and other visitors would share images depicting the sexual victimization of children. However, it should be noted that **DAIGLE** did not distribute any images in order to receive, or with the expectation that he would receive, any financial compensation or any other thing of value. **DAIGLE** said that he stored child pornography on various storage media in his room. In order to maintain his collection of child pornography for later viewing, he would copy images from his computer and floppy disks to DVDs. **DAIGLE** told ICE agents that he would place the minor child's picture on the DVD case sleeve to indicate the child pornographic pictures that were located on the DVD contained in the case. **DAIGLE** went on to say that he has viewed child pornography for the past 10 years or more and before he had a personal computer he would use a computer at the public library.

Forensic evidence consisting of medical testimony, law enforcement officers, and supporting documentation would establish that some of the child victims depicted in the images possessed by **DAIGLE** were of real, identifiable victims, less than the age of eighteen (18) at the time the child pornography was created.

Testimony would establish that some of the child victims depicted in the materials possessed by **DAIGLE** were of prepubescent children less than 18 years of age; to wit: less than twelve (12) years old and that the images of the child victims were engaged in “sexually explicit conduct” as defined in Title 18, United States Code, Section 2256. These images and videos include pictures of adult males vaginally penetrating minor victims. All of the images depicting the sexual victimization of minors possessed by the defendant would be introduced through the testimony of ICE agents.

Further, the government would present evidence that would establish that the images of child pornography had been transported in interstate and foreign commerce via computer.

Further, the government would present evidence at sentencing that on or about November 10, 1997, the defendant, **DANIEL DAIGLE**, was convicted in the Thirty Second Judicial District Court for the Parish of Terrebonne, Louisiana, of Carnal Knowledge of a Juvenile, Case Number 294003.

Further, the government would show through testimony and documentary evidence that the equipment used by the defendant to acquire the child pornography was transported in interstate or foreign commerce.

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DANIEL DAIGLE  
Defendant

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DATE

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SAM SCILLITANI  
Counsel for Defendant

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DATE

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BRIAN M. KLEBBA  
Assistant United States Attorney

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DATE